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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8
9 TONY ALLEN PRESSLER,) Case No.: 3:19-CV-00494-RCJ-WGC
10 vs. Plaintiff,) ORDER
11)
12 NEVADA DEPARTMENT OF PUBLIC)
13 SAFETY, et al.,)
14 Defendants.)
15)
16)

17 December 30, 2019, the Court entered an Order Adopting and Accepting the Report and
18 Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 10¹). Also,
19 December 30, 2019, Plaintiff filed his Objections to Magistrate's Report and Recommendations
20 (ECF No. 12). The Court acknowledges that these pleadings crossed paths on December 30,
21 2019.

22 The Court has conducted its *de novo* review in this case, has fully considered the
23 pleadings and memoranda of the parties including the parties' objections to the Report and
24 Recommendation (ECF No. 12) and other relevant matters to 28 U.S.C. § 636(b)(1)(B) and
25 Local Rule IB 3-2.

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28 ¹ Refers to Court's docket number.

1 The Court granted Plaintiff's application to proceed in forma pauperis (ECF No. 1) and
2 filed the amended complaint (ECF No. 11). The Court screened the amended complaint and
3 dismissed the complaint with leave to amend. (ECF No. 9). Plaintiff was ordered to file a third
4 amended complaint 30 days from the date of the order adopting and accepting the report and
5 recommendation. The Court further ordered "Plaintiff should be advised that if he fails to file a
6 third amended complaint, this action will be dismissed." Plaintiff has not complied with the
7 Court orders (ECF Nos. 9, 10).

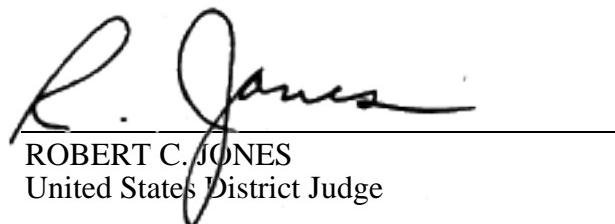
8 In determining whether to dismiss an action for lack of prosecution, failure to obey a
9 court order, or failure to comply with local rules, the court must consider several factors: (1) the
10 public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket;
11 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on
12 their merits; and (5) the availability of less drastic alternatives. *See Thompson*, 782 F.2d at 831;
13 *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61;
14 *Ghazali*, 46 F.3d at 53.

15 **IT IS ORDERED** that his action is **DISMISSED WITHOUT PREJUDICE** based on
16 Plaintiff's failure to file a third amended complaint.

17 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment
18 accordingly and close this case.

19 **IT IS SO ORDERED.**

20 DATED: January 5, 2021.

21 
22 ROBERT C. JONES
23 United States District Judge